

REMARKS

In the Office Action of May 20, 2004, Claims 51-53, 60, 63-66, and 69-71 are rejected. Claims 72 and 73 are indicated as allowed, and Claims 54, 55, 67, and 68 are objected as being dependent from a rejected basic claim. Claims 51 and 60 are amended, and Claims 54 and 68 are cancelled in this response. Claims 51-53, 55, 60, 63-67, and 69-73 are pending.

Applicant disagrees with the Examiner's ground of rejection, but in order to further prosecution of the claims indicated as allowable, Claim 51 has been amended to recite the limitation set forth in Claim 54, and Claim 60 has been amended to recite the limitations of Claim 68, with the understanding that the amendment is made without prejudice to Applicant's ability to file a continuation application with respect to any of the cancelled or amended claims.

Information Disclosure Statement:

The Examiner is requested to consider and make of record the information disclosure statement of May 1, 2003 resubmitted with the prior response, and the information disclosure statements of July 20, 2004 and July 14, 2004. The Examiner is requested to call the undersigned if the Examiner requires a copy of any reference cited in the information disclosure statements.

Double Patenting Rejections in Copending Application:

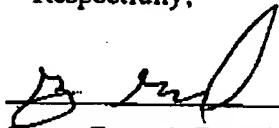
In an Office Action dated May 17, 2004, Examiner Eleni Mantis Mercader of Art Unit 3737 issued a double patenting rejection of pending Claims in US Serial 09/954,646 (which claims priority to SN 08/308,097 now abandoned, as does this application) with respect to the following, (which also claim priority to SN 08/308,097): (1) Claim 1-2 6,228,055; (2) Claims 1-45 of the publication 2001/0034528 of US 09/776,125 (this application); and (3) Claims 1-45 of publication 2004/0024304 of US 10/630,883. The published claims of the

pending applications are not identical to the claims pending in those applications. The Examiner is requested to consider the pending claims of this Application with those of the above mentioned pending applications and US 6,228,055. If the Examiner is unable to obtain the pending claims of the pending applications, the Examiner is requested to contact the undersigned so that the undersigned may provide a copy to the Examiner.

Conclusion:

The Examiner is respectfully urged to reconsider and allow the pending claims.

Respectfully,

 10/15/04
Gerry Gressel, Reg. 34,342

Johnson & Johnson
Patent Department
One Johnson & Johnson Plaza
New Brunswick, NJ 08933